

TWENTY-NINTH DAY

(Thursday, March 5, 1959)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Martin
Bradshaw	Moffett
Colson	Moore
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood

Absent—Excused

Baker	Owen
Fuller	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation as follows:

"Our Father, as we bow our heads and humble our hearts for Thy benediction, grant unto each of us strong minds, brave hearts, and an undying love for Thee and Thy holy laws. We beg in the Savior's name. Amen."

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leaves of Absence

Senator Baker was granted leave of absence for today on account of important business on motion of Senator Reagan.

Senator Owen was granted leave of absence for today on account of important business on motion of Senator Hudson.

Senator Fuller was granted leave of absence for today on account of important business on motion of Senator Parkhouse.

Observance of State Song Day

The President announced the time had arrived for the observance of

State Song Day pursuant to provisions of Senate Resolution 154, previously adopted by the Senate.

An Ensemble from The Concert Choir of the Stephen F. Austin High School of Austin, accompanied by the director, Miss Virginia Decherd, was escorted to the Bar of the Senate by Senators Willis, Hudson, Ratliff, Herring and Hazlewood.

The President presented Senator Herring and he presented the Ensemble to the Members of the Senate.

The Ensemble then rendered the official State Song "Texas, Our Texas" as approved by the Legislature of Texas in 1929.

Reports of Standing Committees

Senator Lane submitted the following reports:

Austin, Texas,
March 5, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on Jurisprudence, to whom was referred S. B. No. 203, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,
March 5, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on Jurisprudence, to whom was referred S. B. No. 162, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,
March 5, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on Jurisprudence, to whom was referred S. B. No. 164, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,
March 5, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on Jurisprudence, to whom was referred H. B. No. 71, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,
March 5, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on Jurisprudence, to whom was referred H. B. No. 96, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Senator Hardeman submitted the following reports:

Austin, Texas,
March 5, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 219, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Austin, Texas,
March 5, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 192, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Austin, Texas,
March 5, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 232, have had the same under consideration, and we are instructed to report it back to the Senate with

the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Austin, Texas,
March 5, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on State Affairs, to whom was referred S. C. R. No. 21, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Senator Roberts submitted the following report:

Austin, Texas,
March 5, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on Legislative, Congressional and Judicial Districts, to whom was referred H. B. No. 54, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

ROBERTS, Chairman.

Senate Bills and Resolution on First Reading

The following bills and resolution were introduced, read first time and referred to the committees indicated:

By Senator Bradshaw:

S. B. No. 278, A bill to be entitled "An Act amending Chapter 173, Acts of the Forty-seventh Legislature, Regular Session, 1941, as amended (Article 6687b, Revised Civil Statutes of Texas, 1925, as amended) by re-enacting and redesignating Subsections (a) and (b) of the present Section 21; adding to Section 21 to provide authority and procedure for the Department of Public Safety to furnish information from the licensing records and the fees to be charged therefor; providing no fee to be charged governmental agencies; providing for disposition of fees; providing a savings clause; repealing all laws or parts of laws in conflict therewith; and declaring an emergency."

To the Committee on State Affairs.

By Senator Dies:

S. B. No. 279, A bill to be entitled

"An Act relating to insanity as a defense or bar to criminal prosecution; repealing Section 1 of House Bill 906, Page 1413, Chapter 486, Acts of the 55th Legislature of 1957 and adding an additional section in lieu thereof concerning the trial and commitment to a State Mental Hospital of insane persons where insanity is raised as a defense or as a bar in a prosecution for a criminal offense; clarifying the trial procedure where the question of insanity is raised as a defense or bar to a criminal prosecution; repealing all laws and parts of laws in conflict with this Act; and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Dies:

S. B. No. 280, A bill to be entitled "An Act to amend Chapter 4, Title 17, Article 543, of the Code of Criminal Procedure of 1925, entitled First Application for Continuance by Defendant, and omitting the last sentence of paragraph 6 of said article; and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Reagan:

S. B. No. 281, A bill to be entitled "An Act to designate the terms of office of Drainage Commissioners of Nueces County Drainage District No. 2; providing for election of Drainage Commissioners; repealing all laws in conflict with this Act; and providing a severability clause; and declaring an emergency."

To the Committee on Water and Conservation.

By Senator Parkhouse:

S. B. No. 282, A bill to be entitled "An Act providing that effective September 5, 1960, all corporations heretofore created with purposes authorized either by subdivision 49, Art. 1302, Revised Civil Statutes of 1925, or Art. 1303b, Texas Civil Statutes, as amended (Acts 1927, 40th Legislature, page 414, Chapter 275, Section 1, as amended, Acts 1945, 49th Legislature, page 96, Chapter 67, Section 1), shall become subject to the provisions of the Texas Business Corporation Act; providing that no provision of the Texas Business Corporation Act shall affect the right of any such corporation to act as trustee; providing the method of determining the registered agent and registered office

of any such corporation; providing a severability clause; and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Rogers:

S. B. No. 283, A bill to be entitled "An Act amending Section 1 of Chapter 36, Acts of the 51st Legislature, First Called Session, 1950 (compiled as Article 978n-1 of Vernon's Texas Penal Code), to bring the Counties of Hale, Floyd, Bailey and Lamb within the regulatory authority of the Game and Fish Commission; and declaring an emergency."

To the Committee on Game and Fish.

By Senators Rogers and Hazlewood:

S. B. No. 284, A bill to be entitled "An Act amending Section 6, of Chapter 427, Acts of the 54th Legislature, 1955, compiled as Article 3883i, Vernon's Texas Civil Statutes by adding thereto the office of Veterans County Service Officer; repealing all laws in conflict herewith; and declaring an emergency."

To the Committee on State Affairs.

By Senator Rogers:

S. B. No. 285, A bill to be entitled "An Act to prohibit the holder of a franchise for the supplying of natural gas or electricity to any incorporated city or town from selling, offering to sell or accepting any consideration for the sale or delivery to anyone within said city or town of any appliance, fixture or installation which depends for its usefulness upon the natural gas or electricity which may be furnished under the franchise; providing for injunction to restrain violation of such prohibition; specifying certain actions not prohibited by this Act; providing a severability clause; and declaring an emergency."

To the Committee on State Affairs.

By Senator Fly:

S. B. No. 286, A bill to be entitled "An Act relating to the unlawful use of certain nets and other devices for catching fish and shrimp in certain defined waters of Matagorda Bay and the Gulf of Mexico; providing penalties for violations; providing that the Act shall be cumulative; and declaring an emergency."

To the Committee on Game and Fish.

By Senator Herring:

S. B. No. 287, A bill to be entitled "An Act providing for longevity pay for employees of the State of Texas; providing that such additional compensation come out of the fund from whence the salary is paid; providing for a severability clause; and declaring an emergency."

To the Committee on State Affairs.

By Senator Smith:

S. J. R. No. 12, Proposing an amendment to the Constitution of Texas by adding to Article V a new section to be known as Section 18-a giving the Commissioners Court in all counties with less than twenty thousand (20,000) population authority to call an election on question of retention or abolition of the office of constable in such county.

To the Committee on Constitutional Amendments.

Senate Resolution 159

Senator Herring offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate the 5th Grade Class of Casis School in Austin, Travis County, Texas, accompanied by their teachers, Miss Willie Long and Miss Minerva Macias; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn at firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this Resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Herring by unanimous consent presented the students and teachers to the Members of the Senate.

Senate Resolution 160

Senator Weinert offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate 18 students of the 7th and 8th grades of Wimberly Junior High School, Wimberley, Hays County, Texas, accompanied by their teacher, P. H. Bowen; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn at firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this Resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Weinert by unanimous consent presented the students and Mr. Bowen to the Members of the Senate.

Adjournment

On motion of Senator Hardeman the Senate at 11:00 o'clock a.m. adjourned until 10:30 o'clock a.m. on Monday, March 9, 1959.

Record of Votes

Senators Phillips, Krueger, Herring, Moffett and Colson asked to be recorded as voting "Nay" on the motion to adjourn.

In Memory of
Reverend Hugh David Blair

Senator Hardeman offered the following resolution:

(Senate Resolution 158)

Whereas, With the passing of Reverend Hugh David Blair, the City of Cisco and the State of Texas lost an esteemed citizen; and

Whereas, The Reverend Blair had been a Baptist Minister and Missionary for many years and led an exemplary life; and

Whereas, Reverend Blair was born October 16, 1878, in the rural area of Parker County, Texas, and received his religious education at Southwestern Baptist Theological Seminary in Fort Worth and served as Pastor of churches at Clairette, Cranfills Gap, Archer City, Iredell, Megargel and Moran, Texas, and at Devol and Olustee, Oklahoma, and was Missionary for the Cisco Baptist Association for twenty-seven years; and

Whereas, In 1903 Reverend Blair was married to Laura Bingham, she preceding him in death in May, 1957; now, therefore, be it

Resolved, That the Fifty-sixth Session of the Senate of Texas take note of the passing of this fine man and extend condolences to his survivors who include one son, Wyman Blair of Cisco; two daughters, Miss Mildred Blair of Cisco and Mrs. Howard S. Lard of Dallas; two brothers and three sisters and one grandchild; and, be it further

Resolved, That the Senate of Texas this day pay tribute to Hugh David Blair and set aside a page in today's Journal in his memory and that enrolled copies of this resolution be forwarded to his survivors and when the Senate adjourns today, it do so in loving respect to him.

The resolution was read and was adopted by a rising vote of the Senate.